

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

CLYMER FARNER BARLEY, INC.,

Plaintiff,

v.

Case No: 5:21-cv-312-RBD-PRL

JOHN DOE 1-10,

Defendant.

ORDER

This matter is before the Court for consideration of Plaintiff's motion to serve additional Third Party Subpoenas prior to the Rule 26(f) conference. (Doc. 15).

Plaintiff has sued John Does for violations of the Defend Trade Secrets Act (18 U.S.C. § 1839) and the Computer Fraud and Abuse Act (18 U.S. C. § 1030(g)). Plaintiff, Clymer Farner Barley, Inc. ("CFB"), is a civil engineering and land surveying firm whose primary client is the Holding Company of the Villages and its various affiliates and subsidiaries who develop and manage large residential communities known as "The Villages." CFB's work involves developing forward-looking maps regarding upcoming neighborhoods and projects, including development maps that are considered confidential and trade secret information.

This action arises out of the publication of a letter to the editor by the Villages-News.com that included a confidential map prepared by CFB for the Villages. In short, Plaintiff has initiated this suit and now seeks leave to serve Google, LLC and Cox Communications, Inc. with Third Party Subpoenas in order to ascertain the source of the confidentiality breach. Plaintiff has obtained emails regarding the original submission of the letter to the editor which include the sender's email address. The Third Party subpoenas are

an attempt to ascertain the true identity of the sender. Plaintiff has provided the subpoenas. (Docs. 15-1 & 15-2). Upon review of the motion and related filings, the Court finds sufficient good cause to permit service of the subpoenas.

Accordingly, Plaintiff's Motion (Doc. 15) is **GRANTED**, and Plaintiff may serve the proposed subpoenas (Docs. 15-1 & 15-2). Plaintiff shall attach a copy of this Order to the subpoenas. If Google, LLC or Cox Communications, Inc. would like to move to modify or quash the subpoenas, they must do so before the return date of the subpoenas, which shall be at least thirty days from the date of service. Google, LLC and Cox Communications, Inc. shall preserve any subpoenaed information pending the resolution of any timely motion to modify or quash.

DONE and **ORDERED** in Ocala, Florida on September 8, 2021.



PHILIP R. LAMMENS
United States Magistrate Judge

Copies furnished to:

Counsel of Record
Unrepresented Parties